

ENGLISH LANGUAGE EMPOWERMENT ACT OF 1996

JULY 30, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Economic and Educational Opportunities, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 123]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 123) to amend title 4, United States Code, to declare English as the official language of the Government of the United States, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “English Language Empowerment Act of 1996”.

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds.

(2) The United States has benefited and continues to benefit from this rich diversity.

(3) Throughout the history of the United States, the common thread binding individuals of differing backgrounds has been a common language.

(4) In order to preserve unity in diversity, and to prevent division along linguistic lines, the Federal Government should maintain a language common to all people.

(5) English has historically been the common language and the language of opportunity in the United States.

(6) The purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States.

(7) By learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States.

(8) The use of a single common language in conducting official business of the Federal Government will promote efficiency and fairness to all people.

(9) English should be recognized in law as the language of official business of the Federal Government.

(10) Any monetary savings derived from the enactment of this Act should be used for the teaching of the English language to non-English speaking immigrants.

SEC. 3. ENGLISH AS THE OFFICIAL LANGUAGE OF FEDERAL GOVERNMENT.

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 6—LANGUAGE OF THE FEDERAL GOVERNMENT

“Sec.

“161. Declaration of official language of Federal Government

“162. Preserving and enhancing the role of the official language

“163. Official Federal Government activities in English

“164. Standing

“165. Reform of naturalization requirements

“166. Application

“167. Rule of construction

“168. Affirmation of constitutional protections

“169. Definitions

“§ 161. Declaration of official language of Federal Government

“The official language of the Federal Government is English.

“§ 162. Preserving and enhancing the role of the official language

“Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

“§ 163. Official Federal Government activities in English

“(a) CONDUCT OF BUSINESS.—Representatives of the Federal Government shall conduct its official business in English.

“(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Federal Government solely because the person communicates in English.

“(c) ENTITLEMENT.—Every person in the United States is entitled—

“(1) to communicate with representatives of the Federal Government in English;

“(2) to receive information from or contribute information to the Federal Government in English; and

“(3) to be informed of or be subject to official orders in English.

“§ 164. Standing

“A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.

“§ 165. Reform of naturalization requirements

“(a) FLUENCY.—It has been the longstanding national belief that full citizenship in the United States requires fluency in English. English is the language of opportunity for all immigrants to take their rightful place in society in the United States.

“(b) CEREMONIES.—All authorized officials shall conduct all naturalization ceremonies entirely in English.

“§ 166. Application

“Except as otherwise provided in this chapter, the provisions of this chapter shall supersede any existing Federal law that contravenes such provisions (such as by requiring the use of a language other than English for official business of the Federal Government).

“§ 167. Rule of construction

“Nothing in this chapter shall be construed—

“(1) to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English;

“(2) to discriminate against or restrict the rights of any individual in the country; and

“(3) to discourage or prevent the use of languages other than English in any nonofficial capacity.

“§ 168. Affirmation of constitutional protections

“Nothing in this chapter shall be construed to be inconsistent with the Constitution of the United States.

“§ 169. Definitions

“For purposes of this chapter:

“(1) **FEDERAL GOVERNMENT.**—The term ‘Federal Government’ means all branches of the national Government and all employees and officials of the national Government while performing official business.

“(2) **OFFICIAL BUSINESS.**—The term ‘official business’ means governmental actions, documents, or policies which are enforceable with the full weight and authority of the Federal Government, and includes publications, income tax forms, and informational materials, but does not include—

“(A) teaching of languages;

“(B) actions, documents, or policies necessary for—

“(i) national security issues; or

“(ii) international relations, trade, or commerce;

“(C) actions or documents that protect the public health and safety;

“(D) actions or documents that facilitate the activities of the Census;

“(E) actions, documents, or policies that are not enforceable in the United States;

“(F) actions that protect the rights of victims of crimes or criminal defendants;

“(G) actions in which the United States has initiated a civil lawsuit; or

“(H) documents that utilize terms of art or phrases from languages other than English.

“(3) **UNITED STATES.**—The term ‘United States’ means the several States and the District of Columbia.”.

(b) **CONFORMING AMENDMENT.**—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

“6. Language of the Federal Government 161”.

SEC. 4. PREEMPTION.

This Act (and the amendments made by this Act) shall not preempt any law of any State.

SEC. 5. EFFECTIVE DATE.

The amendments made by section 3 shall take effect on the date that is 180 days after the date of enactment of this Act.

EXPLANATION OF AMENDMENTS

The provisions of the substitute, as amended by those amendments agreed to during the bill’s mark-up, are explained in this report.

PURPOSE

The purpose of this Act is to amend Title IV, United States Code, to declare English as the official language of the Government of the United States.

COMMITTEE ACTION

H.R. 123, “The Language of Government Act of 1995,” was introduced in the House of Representatives on January 4, 1995 by Representative Bill Emerson (R-MO). This bill was referred to the Committee on Economic and Educational Opportunities on the

same day. On January 24, 1995 it was referred to the Subcommittee on Early Childhood Youth and Families. The Committee was also referred three other bills regarding English as the official or common language: H.R. 345, Language of Government Act of 1995, introduced on January 4, 1995 by Rep. Owen Pickett; H.R. 739, Declaration of Official Language Act of 1995, introduced on January 30, 1995 by Rep. Toby Roth; and H.R. 1005, the National Language Act of 1995, introduced on February 21, 1995 by Rep. Peter T. King.

All of these bills were discussed at two Subcommittee hearings regarding "English as a Common Language." The first occurred on October 18, 1995 and the following witnesses testified at the hearing; Senator Richard Shelby (R-AL); Representative Bill Emerson (R-MO); Representative Peter King (R-NY); Representative Toby Roth (R-WI); and Representative José Serrano (D-NY).

The second hearing was held on November 1, 1995 and the following witnesses testified: the Honorable Everett Alvarez of Conwall Inc.; Mr. Edward Chen of the American Civil Liberties Union; Ms. Linda Chavez of the Center for Equal Opportunity; Ms. Maria Lopez-Otin a Cuban immigrant and Federal liaison at the U.S. Nuclear Regulatory Commission; the Honorable Nimi McConigly, State Representative from Wyoming; Mr. Charles Gogolak, former professional football player and Hungarian immigrant; Dr. Geeta Dalal, an immigrant from India; Mr. Mauro Mujica of U.S. English.

The Early Childhood Youth and Families Subcommittee was discharged from further consideration of the bill. On, July 23, 1996, the Committee on Economic and Educational Opportunities ordered H.R. 123 favorably reported, as amended, by a vote of 19 to 17.

SUMMARY

H.R. 123, the "English Empowerment Act of 1996," amends Title 4 of the United States Code by adding a new chapter entitled "Language of the Federal Government." This legislation declares English as the official language of the Federal Government. H.R. 123 mandates that the government conduct its official business in English, with the following exceptions: the teaching of languages; international relations, trade or commerce; actions or documents that protect the public health and safety; actions or documents that are not enforceable in the United States; actions that protect the rights of victims of crimes or criminal defendants; actions in which the United States has initiated a civil law suit; documents that utilize terms of art or phrases from languages other than English; actions or documents that facilitate the activities of the Census. According to the legislation no one may be denied services because they communicate in English. This bill allows standing to sue for violations of this Act. H.R. 123 mandates that all naturalization services be conducted in English. There is a rule of construction that requires that this bill to be consistent with the Constitution of the United States and that allows federal employees to communicate orally in languages other than English.

EXPLANATION OF THE BILL AND COMMITTEE VIEWS

We are a nation of immigrants. Our history has been shaped by the contributions of immigrants of different cultures, religions and languages from around the world. We are proud of our nation's ability to assimilate people from around the world into one cohesive society. The purpose of H.R. 123, "The English Language Empowerment Act of 1996", is to build upon our nation's historic tradition as a melting pot of diverse cultures from around the world, and to bind us together through the use of English as a common language.

Over the past few decades, Congressional action and inaction has resulted in a balkanized national language policy, devoid of any clear, uniform principles. For example, whether documents are published in a foreign language depends in large part upon the particular Federal statute involved. Some Federal statutes require materials to be provided in an individual's native language or mode of communication. In other statutes, Federal law provides for services in the language and cultural context most appropriate to the individuals. While such provisions may initially sound reasonable, they have consequences. As Linda Chavez, former director of the United States Commission on Civil Rights, and current President of the Center for Equal Opportunity stated in testimony before the Subcommittee on Early Childhood, Youth, and Families:

[T]he public policy that has been in place over the last 25 years * * * has discouraged immigrants from learning English, and has made it quite possible for immigrants to function in all aspects of their civic life in their original language.

The Committee believes it is time for a change; it is time to take stock of the piecemeal policies that have evolved, and replace them with a more uniform policy across all of the Federal government.

Right now, the Bureau of the Census informs us that over 320 different languages are spoken in the United States. Given this fact, it is obvious that Federal taxpayers cannot possibly publish every Federal document of whatever kind in 320 different languages. Furthermore, one might also make the case that the current situation of selectively choosing to sanction a particular foreign language (i.e. publishing a document in Spanish and not the 319 others) the Federal Government is implicitly favoring certain languages and peoples over others. It is better to have one common language.

GENERAL ACCOUNTING OFFICE REPORT

No one knows for sure exactly how many Federal publications are printed in languages other than English. In 1995, in response to a request for foreign language documents from Senator Richard Shelby (R-AL), the late Representative Bill Emerson (R-MO), and Representative William Clinger (R-PA), the General Accounting Office (GAO) wrote:

We found that no single, comprehensive data source existed within the federal government that could identify and quantify the total number of foreign language publica-

tions and documents issued both internally and externally by federal government agencies and organizations.

The GAO did find two data bases, and conducted a limited search. The results were 265 of 400,000 documents published in foreign languages. While that represents less than 1%, the GAO noted that not all federal foreign language publications and documents are included in the databases, and the 265 foreign language documents should not be considered to be a total number government-wide. Equally significant is that the lengths of the documents were not discussed, nor the costs of translating the documents. Nor was there any mention of who decides what documents are to be printed in foreign languages. The point is not to quibble over facts and figures but rather to focus on the bigger policy: is America going to advocate policies like the learning of English to empower people to realize the American dream? Or, do we continue the trend toward balkanization of languages, encouraging people to interact only with those of similar backgrounds, and not assimilate into the larger American society? For American taxpayers, key questions become "Where does it stop?" and "How many different languages are taxpayers expected to fund?"

H.R. 123, THE "ENGLISH LANGUAGE EMPOWERMENT ACT OF 1996"

The Committee believes a new policy consisting of a common sense, common language approach is needed. H.R. 123, the "English Language Empowerment Act of 1996" represents just such an approach. The bill establishes English as the official language of the Federal government and requires the government to conduct its official business in English. It is the language of government, and not the private sector. The Committee emphasizes that the bill has no effect upon the use of foreign languages in homes, neighborhood, churches, or private businesses. Affirming English as the official language of government ensures that all Americans can count on one language for government actions, policies and documents. That is good, common sense. And it reinforces other national policies, such as the requirement that one be able to read, write and speak English before becoming a United States citizen.

Not only does the bill represent good common sense, it also empowers individuals to become successful members of American society. It is our English language which unites us—a nation of diverse immigrants—as one nation. It promotes assimilation, rather than isolation and separatism. In all 50 states and the District of Columbia, it is English and no other language which is consistently written, spoken, and read in a widespread manner. The same cannot be said about other languages.

As earlier alluded to, the English language is a powerful tool. It empowers each new generation of immigrants to access the American dream. Over and over, studies show that people who learn English earn more for their families, are better able to move about and interact in society, and can more easily build a bright future for themselves and their children. In 1994, the Texas Office of Immigration and Refugee Affairs published a study of Southeast Asian refugees in Texas. The study showed individuals proficient in English earned more than 20 times the annual income of those

who did not speak English. Furthermore, a 1995 study by the Latino Institute confirmed that the ability to speak English can make the difference between a low-wage job and high-wage managerial, professional, or technical job.

In testimony before the Subcommittee on Early Childhood, Youth and Families, witnesses spoke first-hand about the significance of learning English, and the need for official English legislation. Ms. Maria Lopez-Otin, Federal liaison officer for the Nuclear Regulatory Commission, who came to this country at age 11 and without either parent, said,

I have been able, I believe, to participate in the American dream * * * [my] ability to communicate in English is the essential first step in this journey.

* * * from the immigrant's standpoint knowledge of English is critically important to success in American society, and discussions about immigration, bilingual education, or English as a second language, are but distractions from the issue at hand, the merits of English as the official language of the United States.

And, on that point, on whatever level you consider, education, employment, politics, a social grounding in English is imperative. Now, does this mean rejection of our roots, our heritage, our original language, of course not. What it means is that as Americans we cannot hope to reach our fullest potential unless we speak the language, * * * and that language is English.

H.R. 123 is popular across the nation, as witness Mauro Mujica, Chairman of the Board of U.S. English and immigrant from Chile recently testified,

Eighty-six percent of Americans and eighty-one percent of immigrants want to make English the official language of this country. The vast majority of citizens in this country are fed up with the present day situation which has fostered linguistic welfare. * * *

Many other individuals and organizations support official English. This legislation enjoys the strong support of the American Legion, the Veterans of Foreign Wars, U.S. English, English First, the National Grange, and many others.

The Committee wishes to note that some have mischaracterized the bill as an "English only" bill. It's not so. It is an "official language of government" bill. "English only" legislation is commonly understood to be broader and more encompassing, such as the official language of an entire nation, public and private sector—not just of government. H.R. 123 is a more modest approach. This bill simply designates English as the official language for actions, documents and policies of the Federal government.

Further, the "English only" terminology implies English at all times and no others. Such is not the case with this bill. Rather, H.R. 123 provides for several exceptions to the government conducting its official business in English. Those include: (1) teaching of languages; (2) national security issues or international relations, trade, or commerce; (3) public health and safety; (4) actions, docu-

ments, or policies that are not enforceable in the United States; (5) actions that protect the rights of victims of crimes or criminal defendants; (6) actions in which the United States has initiated a civil lawsuit; (7) documents that utilize terms of art or phrases from languages other than English; and (8) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population. The bill also does not prohibit Members of Congress or employees or officials of the Federal government from communicating orally with other persons in a foreign language. In sum, the most accurate description is “official language of government,” not “English Only.”

BILINGUAL EDUCATION

During the course of the consideration of H.R. 123 questions have arisen about the impact of the bill upon the Bilingual Education Act. The Committee notes that H.R. 123 does not repeal the Bilingual Education Act, nor is the bill in any way intended to affect such Act.

Other questions have arisen concerning the impact of the bill upon immersion programs where, for example, math and science are taught in Native Hawaiian. Assuming that Federal officials or employees would be involved in the teaching of such courses, the Committee believes section 168(2)(A) which allows for the “teaching of languages,” addresses such situations. Immersion programs generally involve the teaching of languages through immersion in the language for the teaching of all subjects. The teaching of a non-language course, such as math, in the immersion context, inherently involves the teaching of the language as well as the math. Accordingly, it is the Committee’s intent that such situations fall within the exception to the English requirement.

LEGAL ANALYSIS

Opponents of the English Language Empowerment Act, including the Department of Justice, have suggested that declaring English the official language of government would be unconstitutional. H.R. 123 meets all federal court tests for constitutionality.

At the outset, the Committee notes that on many occasions federal and state courts have held there is no right to the publication of Federal documents in foreign languages. See e.g. *DaLomba v. Director of the Division of Employment Security*, 369 Mass. 92, 334 N.E. 2d 687 (1975) (Court held that 62-year-old Portuguese immigrant’s procedural due process rights were not violated where unemployment compensation hearing notice was printed only in English, and she could neither read nor write English); *Soberal-Perez v. Heckler*, 717 F.2d 36 (1983) (Plaintiffs sued the Secretary of Health and Human Services claiming the Secretary’s failure to provide forms and services in Spanish violated Hispanics’ rights under the Equal Protection Clause of the US Constitution and under Title VI of the Civil Rights Act of 1964. Court held that English-only forms did not violate Spanish-speaking plaintiffs rights under either the Equal Protection Clause or under Title VI of the Civil Rights Act. Secretary’s action in deciding that forms should be printed and oral instructions given in English language bore a ra-

tional relationship to a legitimate governmental purpose); *Carmona v. Sheffield*, 475 F.2d 738 (9th Circuit 1973) (no right to employment notices in Spanish); *Toure v. United States*, 24 F.3d 444 (2nd Circuit 1994) (no right to notice of administrative seizure in French); *Fronter v. Sindell*, 522 F.2d 1215 (6th Circuit 1975) (English only civil service exams do not violate equal protection rights. Language by itself does not identify members of a suspect class, and therefore does not trigger strict scrutiny); *Vialez v. New York City Housing Authority*, 783 F.2d 109 (S.D.N.Y. 1991) (Housing authority's failure to provide documents in Spanish does not violate Title VI of the Civil Rights Act or the Fair Housing Act since "it reflects, at most, a preference for English over all other languages" rather than racial or ethnic discrimination); *Garcia v. Spun Steak Co.*, 998 F.2d 1480 (9th Circuit 1993), cert. denied 62 U.S. L.W. 3843 (S.Ct. 6-20-94) (employer's English-only workplace rules do not violate Title VII of the 1964 Civil Rights Act).

In the fall of this year, the United States Supreme Court will consider a case in which Arizona's Official English constitutional amendment was declared unconstitutional by a lower court. The case, now known as *Arizonans for Official English v. Arizona*, Supreme Court No. 95-974, was brought by Maria-Kelly Yniguez, an Arizona state employee who evaluated medical malpractice claims for the state of Arizona. Yniguez claimed Arizona state constitutional provisions which required English and no other language to be used by state and local government officials, was a violation of her First Amendment rights. A 6-5 majority of judges on the Ninth Circuit Court of Appeals held that the state constitutional language was overly-broad and a violation of the First Amendment.

The Arizona provisions struck down by the court are much different from H.R. 123. The Ninth Circuit said that its decision only applied to the Arizona law, "by far the most restrictively-worded official-English law to date," and "our opinion in this case should not be construed as expressing any view regarding" the constitutionality of other, differently-worded official-English laws. It is incorrect to say that the *Yniguez* decision suggests that H.R. 123 is constitutionally vulnerable.

Aside from this one case, no court has ever struck down an official English statute. All have been upheld. For example, as referenced earlier, the United States Court of Appeals for the Second Circuit found no constitutional objection to government notices in English:

"We need only glance at the role of English in our national affairs to conclude that the Secretary's actions are not irrational. Congress conducts its affairs in English, the executive and judicial branches of government do likewise. In addition those who wish to become naturalized United States citizens must learn to read English. 8 U.S.C. 1423 (Supp. 1978) . . . Given these factors, it is not irrational for the Secretary to choose English as the one language in which to conduct her official affairs." *Soberal-Perez v. Heckler*, 717 F. 2d 36, 42-43 (2d Cir. 1983), affirmed in *Toure v. United States*, 24 F. 3d 444, 446 (2d Cir. 1994) (per curiam).

State courts agree. "This is not an officially multilingual country, and notification of official matters in the sole official language of both this nation and this Commonwealth is patently reasonable."

Commonwealth v. Olivio, 369 Mass. 62, 337 N.E.2d 904,911 (1975);
Castro v. California, 2 Cal 3d 223, 242; 466 P. 2d 244 (1970).

STATES WITH OFFICIAL ENGLISH LAWS

Many states have led the way in enacting official English laws. President Clinton, in fact, while Governor of Arkansas, signed legislation declaring English the official language of Arkansas. Yet, the Administration now opposes this bill, a bill which arguably does not go as far as the Arkansas law. The Arkansas law established English as the official language of the state. H.R. 123, on the other hand, is more limited. It establishes English as the official language only of the government of the United States, not of the entire United States. In addition to Arkansas, 22 other states have official English laws which govern state and local matters. They are Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii (English and Hawaiian), Illinois, Indiana, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming.

NATIONS WITH ONE OFFICIAL LANGUAGE

Not only have states sought to address language issues, but nations as well. Over 79 nations from around the world have one official language according to the "1996 Information Please Almanac and Resolving Language Conflicts: A Study of the World's Constitutions."

In addition, the Congressional Research Service recently contacted the embassies of France, Germany, Japan, and Austria and found that government documents in those countries are only printed in one language. For the United Kingdom, both English and Welsh are used, with Welsh serving as a second language only for those discussions in Parliament that have to do with issues of Wales. Similarly, both Italian and English are used in Italy. However, the use of English is only limited to those rare instances of publishing legal matters that pertain to the European Union. Judging by these examples from the world of nations, it is certainly not unreasonable for the United States to have one official language of government as H.R. 123 would do.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title of the bill, the "English Language Empowerment Act of 1996."

Section 2 contains the findings.

Section 3(a) amends Title 4 of the United States Code by adding at the end a new Chapter 6, as follows:

"Section 161 declares English as the official language of the Federal Government."

"Section 162 states that Representatives of the Federal Government are obligated to preserve and enhance the role of English as the official language of the Federal Government."

"Section 163(a) requires Representatives of the Federal Government to conduct its official business in English."

“Section 163(b) states that no person shall be denied Federal services or assistance, directly or indirectly, solely because the person communicates in English.”

“Section 163(c) states that every person in the United States is entitled to communicate with representatives of the Federal Government in English, to receive or give information to the Federal government in English, and to be informed of or be subject to official orders in English.”

“Section 164 states that a person injured by a violation of this chapter may seek appropriate relief in a civil action.”

“Section 165(a) states that it is long-standing national belief that full citizenship in the United States requires fluency in English.”

“Section 165(b) requires that all citizenship naturalization ceremonies be conducted entirely in English.”

“Section 166 states that the provisions of this chapter supersede any existing Federal law that contravenes such provisions.”

“Section 167 sets forth three rules of construction.”

“Section 168 states that nothing in the Act is to be construed to be inconsistent with the Constitution of the United States.”

“Section 169 includes definitions. ‘Official business’ is defined as governmental actions, policies and documents, such as Federal income tax forms and other informational materials. The definition of official business does not extend to the following: the teaching of languages; actions or documents that facilitate the activities of the Census; actions, policies or documents necessary for national security, international relations, trade or commerce; actions or documents that protect public health and safety; actions that protect the rights of victims of crimes or criminal defendants; actions in which the United States has initiated a civil lawsuit; or documents that use terms or art or phrases from other languages.”

“Section 169(b) contains a conforming amendment.”

Section 4 states that this Act shall not preempt State law.

Section 5 sets forth the effective date as 180 days after the date of enactment.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 123 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 123

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 123. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill applies to the Federal Government and as such applies to the Legislative Branch.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates. The Committee received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See *infra*.

CORRESPONDENCE

The Committee received the following letters regarding this legislation:

THE AMERICAN LEGION,
Washington, DC, July 15, 1996.

Hon. WILLIAM GOODLING,
Chairman, House Economic and Educational Opportunities Committee, Washington, DC.

DEAR MR. CHAIRMAN: The American Legion solidly supports H.R. 123, "The Language of Government Act of 1995."

During The American Legion's 76th National Convention in Minneapolis, Minnesota in 1994, delegates passed two Resolutions calling for the establishment of English as the official language of this country. (Copies of each Resolution are attached for your reference.) This organization has been on record since 1983 as supporting English language legislation.

Bilingual education programs should serve as short-term steps for immigrants to achieve proficiency in the English language and should not, as these programs are now, be used to encourage separatism. Proficiency in the English language is not only the key to

economic opportunity in the United States but also the pathway for joining the mainstream culture of this country.

The American Legion supports this legislative initiative—please inform this office if we can be of assistance.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

Enclosure.

Resolution No. 47 (NE), 55 (NJ) and 222 (DC) using the language of 47.

Subject: The English language be declared the official United States language.

Committee: Americanism.

Whereas, The United States has over the many years been a haven and in most cases a new home for people of many ethnic backgrounds; and

Whereas, These people, although keeping their ethnic background alive, were urged to take advantage of the educational system that taught them the English language and American history; and

Whereas, Many of preferred visitors and new citizens, although clinging to their ethnic backgrounds did with pride take advantage of learning the language of the United States; and

Whereas, Bilingual programs funded by the Department of Education are designed to teach students with the primary instruction in the student's home language, while English is subjected to a secondary status; and

Whereas, These programs tend to encourage separatism, rather than a unification of purpose; and

Whereas, There exists alternative bilingual education program which provide a more efficient transition to proficiency in the English language; now, therefore, be it

Resolved, By the American Legion in National Convention assembled in Minneapolis, Minnesota, September 6, 7, 8, 1994, That The American Legion encourage legislation which would establish English as the official national language; and, be it further

Resolved, That the American Legion encourage Congress to pass a constitutional amendment to designate English as the official language of Government in the United States; and, be it further

Resolved, That the American Legion urge Congress to encourage and fund alternative bilingual education programs to serve as was intended, as a short intermediate step to achieve proficiency in the English language.

Resolution No.: 371.

Subject: The English language be declared as the official U.S. language.

Committee: Americanism.

Whereas, In the United States the English language is undergoing gradual displacement in this era of high immigration; and

Whereas, While many immigrants want to learn English because it is the key to economic opportunity in the United States, some

immigrant groups appear to minimize the English language concept, providing little encouragement to learn English and thereby discouraging newcomers from joining the mainstream culture in America; and

Whereas, Bilingual education programs funded by the U.S. Department of Education, in large, are designed to provide long-term instruction in a student's native language, while English is subjected to a secondary status; and

Whereas, The aforementioned programs and practices tend to encourage separatism rather than unification of purpose; and

Whereas, The cost to all Americans would be unaccountable to have all legal papers, ballots, court proceedings, and laws printed in foreign languages, and dialects; and

Whereas, English has been recognized as the official language by eighteen states that have enacted legislation or amended their constitutions to designate it as such; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in Minneapolis, Minnesota, September 6, 7, 8, 1994, That The American Legion strongly urges that by an Act of Congress, and acts by State legislatures, the English language be declared the official language for Government in the United States; and be it further

Resolved, That The American Legion should work to develop in all Americans an appreciation for the role English plays in holding our society together and making this Nation strong; and, be it finally

Resolved, That The American Legion urges Congress, through legislative action, to increase support for and fund alternative bilingual education programs that will serve as short-term steps for immigrants to achieve proficiency in the English language.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, July 16, 1996.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
Washington, DC.*

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) has a long-standing interest in having the English language designated as the official language of the Government of the United States. Please note the attached copy of VFW Resolution No. 103 that directly supports bill HR 123. This bill, introduced by Mr. Emerson and 37 other initial cosponsors on January 4, 1995, reflects strong bipartisan congressional support for such action. Therefore, I ask on behalf of the 2.1 million members of the VFW that you hold a hearing on this bill as soon as possible and report it out favorably to the full committee for house action before the summer recess.

A big part of ongoing VFW efforts involves programs to provide effective patriotic education programs, to include citizenship responsibilities for schools and youth groups. We do this by recognizing that while America is comprised of peoples of all races, nationalities, and languages, we must all use the English language as a

common means of communication. Our overall goal is to teach our youth that the English language and a respect for our flag are common threads that will allow us to remain the most prosperous and enterprising nation in which to live as we enter the next century.

Thank you for all efforts to take favorable action on the "Language of Government Act of 1995." If the VFW can be of further support to you or your committee please let us know.

Sincerely,

PAUL A. SPERA,
Commander in Chief.

Enclosure: as stated.

RESOLUTION NO. 103—MANDATE ENGLISH AS THE OFFICIAL
LANGUAGE OF THE UNITED STATES

Whereas, the people of the United States have brought to this nation the cultural heritage of many nations; and

Whereas, the United States has been greatly enriched by such cultural diversity; and

Whereas, the people of the United States, despite their many differences, have lived together harmoniously and productively as citizens of one nation; and

Whereas, the Veterans of Foreign Wars of the United States is an association of men and women who as soldiers, sailors, marines, airmen and nurses served this nation in wars, campaigns and expeditions on foreign soil or in hostile waters and air; and

Whereas, Section 713 of the National By-Laws of the Veterans of Foreign Wars of the United States provides that all VFW Posts shall conduct their meetings in no other language than the English language; and

Whereas, the English language has always been our strongest common bond and has contributed substantially to our social cohesiveness; and

Whereas, English is our language by custom only and enjoys no special legal protection; and

Whereas, other languages have been promoted as alternatives and have gained a measure of government acceptance through bilingual education and bilingual voting ballots; and

Whereas, the erosion of English and the increased official usage of other languages is a divisive force within our nation; now, therefore

Be it resolved, by the Veterans of Foreign Wars of the United States, that we reaffirm mandates of previous conventions to seek legislation mandating English as the official language of the United States; and

Be it further resolved, that we seek legislation to: (1) limit bilingual education to short term transitional programs only; (2) effect a speedy return to voting ballots in English only; (3) make more opportunities available to immigrants for learning English and maintaining the English languages a condition for naturalization; and (4) enact legal protections for the English language, at state and national levels through the designation of English as our official language.

The intent of this resolution is:

(1) To urge the Congress to enact legislation mandating English as the official language of the United States.

(2) To urge Congress to enact legislation limiting bilingual education to short term transitional programs only, return voting ballots to English only, make available more opportunities to immigrants to learn English and to maintain the English language as a condition for naturalization.

Approved by the 96th National Convention of the Veterans of Foreign Wars of the United States.

CATHOLIC WAR VETERANS OF THE
UNITED STATES OF AMERICA, INC.,
Alexandria, VA, July 23, 1996.

Hon. BILL GOODLING,
Chairman, House Economic and Educational Opportunities Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN GOODLING: The Catholic War Veterans of the United States of America are hereby requesting your support for passage of HR 123—making English the OFFICIAL LANGUAGE OF GOVERNMENT. We have been informed that the bill will be voted on tomorrow—July 24, 1996. Thanking you, I remain

Sincerely,

JOHN H. WALSH,
National Commander.

NATIONAL GRANGE OF THE
ORDER OF PATRONS OF HUSBANDRY,
Washington, DC, July 23, 1996.

Hon. WILLIAM F. GOODLING,
Chairman, Economic and Educational Opportunities Committee, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 300,000 members of the National Grange, I want to reaffirm our support to make English the official language of the United States. We strongly support passage of H.R. 123, "The Language of Government Act."

The National Grange thanks you for your dedication to seeking passage of the bill.

Thank you for considering the National Grange's position on this important issue.

Sincerely,

KERMIT W. RICHARDSON,
Master, National Grange.

ENGLISH FIRST,
Springfield, VA, July 23, 1996.

Hon. WILLIAM GOODLING,
Chairman, Committee on Economic and Educational Opportunities, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: English First is pleased to endorse Congressman Cunningham's Committee Substitute version of H.R. 123, the Language of Government Act.

A nation as diverse as ours requires a common language to preserve its national unity. The Committee Substitute version of H.R. 123 has been carefully crafted to protect individual rights and liberties while ensuring that the government of the United States functions in English.

The Committee Substitute reflects a consensus of the views of key leaders on this issue, such as former Senate Majority Leader Bob Dole, Congressman Toby Roth (Chairman of the Congressional English Language Task Force), Congressman Peter King, Congressman John Porter and the late Bill Emerson.

The need for a national language policy is all too apparent when we contemplate how national linguistic divisions soon lead to other divisions. Our neighbor to the north, Canada, is a cautionary lesson in the dangers of official multilingualism.

The Committee Substitute version of H.R. 123 is an important first step toward repairing our national unity and preserving America as a nation of immigrants.

Sincerely,

JIM BOULET, Jr.,
Executive Director.

U.S. ENGLISH, INC.,
Washington, DC, July 23, 1996.

Hon. WILLIAM GOODLING,
Chairman, House Committee on Economic and Educational Opportunities, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the 800,000 members of U.S. ENGLISH, the nation's largest, non-partisan, non-profit, citizens' action group dedicated to preserving the unifying role of the English language in the United States, I would like to declare to the House Committee on Economic and Educational Opportunities our organization's ardent support for H.R. 123, The Language of Government Act.

Through language policy has historically not been a matter of great public concern in the United States, the last twenty to twenty-five years have witnessed a growing interest in this topic. From the mid-19th century until recently, a strong sense existed in the United States that non-English speaking people should—and would—ultimately learn English and that even those language enclaves which did establish themselves would adopt English as a primary language within a few generations. As a result, little official concern for, or attention to, the designation of an official language policy seemed necessary.

However, in the last quarter-century, the notion of America as a melting pot has been challenged. A body of government policies and practices has evolved piecemeal, based on the goal of protecting ethnic and cultural diversity, with little attention paid to the question of what the optimal overall language policy for the United States ought to be.

The very implementation of these policies, which have been costly both financially and socially, has brought an immediacy to the need for an official language policy. Further, there is a growing perception in America of linguistic instability, compounded by the

close-to-home Canadian example of bilingual conflict. We feel that by promoting a common language, the government will encourage unity, political stability, and government efficiency.

The intent of our organization is to enact a government language policy that will empower immigrants to gain proficiency in English to allow them to fully take advantage of the economic opportunities that are only available in this country. H.R. 123 is a proactive measure intended to avert the proliferation of costly multi-language government policies and practices. To give an indication of the problems currently facing the government as a result of having no official language policy, consider the following question: If Spanish-speaking persons can demand general bilingual programs, or can demand Spanish versions of Social Security forms, would that not entitle members of smaller language groups, such as Greeks or French, have a similar right to forms or services in their respective languages?

The time has come to put an end to the syphoning of crucial budget dollars for the wasteful practice of multi-lingual government, and to put the focus back where it belongs: teaching citizens English.

Sincerely,

MAURO E. MUJICA,
Chairman of the Board/CEO.

HUNGARIAN REFORMED FEDERATION OF AMERICA,
Washington, DC, July 24, 1996.

Hon. BILL GOODLING,
Chairman, House Committee on Economic and Educational Opportunities, Washington, DC.

DEAR SIR: The Hungarian Reformed Federation of America, a fraternal life insurance society organized in Trenton, New Jersey, in 1896, is in full support of the goals and initiatives of the official English language policies with specific regard to H.R. 123, the Official Language of Government Act, sponsored by the late Bill Emerson of Missouri.

Cordially,

GEORGE DOZSA,
President.

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, DC, July 24, 1996.

Hon. BILL GOODLING,
Chairman, House Committee on Economic and Educational Opportunities, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the General Federation of Women's Clubs (GFWC), I would like to express appreciation to you for holding today's hearing on the Official Language Government Act (H.R. 123). As a long-time supporter of legislation to make English the official language of the United States, GFWC wholeheartedly supports your committee's consideration and Congress' adoption of H.R. 123.

Throughout history, the United States of America has been enriched by the cultural contributions of immigrants from many diverse traditions. Also, it has been blessed with one common language (English) which has united a diverse nation and fostered harmony among its people. In recognition of all that has made this country great, GFWC urges federal action to protect our nation's language.

For more than 100 years, GFWC members have met the most pressing needs of the country's communities through volunteer service. With its broad-based network of community activists, GFWC has marshalled resources successfully to tackle the issues that affect the lives of women, children and families.

Thank you again for your and the committee's attention to this matter.

Sincerely yours,

FAYE Z. DISSINGER,
International President.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirement of clause 2(1)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(1)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 123 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1996.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 123, the English Language Empowerment Act of 1996, as ordered reported by the House Committee on Economic and Educational Opportunities on July 24, 1996. Because H.R. 123 could affect direct spending, pay-as-you-go procedures would apply. However, CBO estimates that enacting this legislation would not significantly affect the federal budget.

Bill purpose.—H.R. 123 would declare English as the official language of the federal government and require that representatives of the federal government conduct official business—including issuing forms, publications, and informational materials—in English. The bill would allow representatives of the federal government to communicate orally in a language other than English while performing official business. The bill would exclude from the English-only requirement the teaching of languages, the activities of the U.S. Census Bureau, and governmental actions necessary for national security, international trade or relations, public health and safety, and the protection of the rights of victims of crimes or criminal defendants. The bill's provisions would not apply to the territories of the United States.

Federal budgetary impact.—CBO expects that H.R. 123 would decrease some costs while increasing others. On the one hand, requiring that agencies print forms, publications, and informational material in English only could reduce certain costs. Agencies would probably print the same amount of forms, but would not have to incur the cost of translating English documents. On the other hand, other costs could increase if the requirement of English-only forms results in agencies substituting more expensive oral translation services for information in writing. The net change in costs would depend on how agencies interpret the bill's exemptions, particularly for activities that are in the interest of public health and safety. According to a review by the General Accounting Office only about 0.06 percent of federal documents are in a language other than English. Thus, CBO expects that the bill would have little effect on the federal government. Further, if agencies interpret the bill's exemption for public health and safety to include programs such as Food Stamps and Medicaid, the effect would be even smaller.

H.R. 123 would provide standing to sue the federal government if an individual were denied services, assistance, or facilities solely because the individual communicates in English. CBO estimates that any increase in direct spending that might arise from such potential lawsuits would not be significant.

Impact on State, local, and tribal governments.—H.R. 123 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). Because the federal government would no longer provide many bilingual forms if this bill is enacted, states who administer federal programs (Food Stamps and Medicaid, for example) could incur additional costs if they choose to provide translation services to individual in need of such assistance.

Impact on the private sector.—H.R. 123 would impose a new private-sector mandate, as defined in Public Law 104-4, by requiring that all official business of the federal government be conducted in English. That provision would effectively require the private sector, which includes non-English-speaking individuals, to conduct all official transactions with the federal government in English.

To the extent that official business between the federal government and the private sector is now conducted in languages other than English, H.R. 123 would impose new costs on the private sector. Official federal government business, however, is conducted overwhelmingly in English. Consequently, the new mandate should not impose a substantial burden on the private sector as a whole. Nevertheless, some non-English-speaking individuals could face significant hurdles to completing official business with the federal government—particularly with the Internal Revenue Service (IRS) and the Social Security Administration (SSA)—and would be required to obtain an interpreter. In most cases, translation services would be provided free of charge or at minimal cost by volunteer organizations, or bilingual federal workers or the English-literate family members of non-English-speaking persons would act as interpreters. Thus, CBO estimates that the direct cost of complying with the new private-sector mandate contained in the bill would be below the \$100 million threshold.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), Marc Nicole (for the state and local impact), and Matthew Eyles (for the private-sector impact).

Sincerely,

JUNE E. O'NEILL, *Director*.

ROLLCALL VOTES

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL 1 BILL H.R. 123 DATE July 24, 1994

AMENDMENT NUMBER 2 DEFEATED 18 - 18

SPONSOR/AMENDMENT Mr. Romero Barcelo / Amendment to allow an agency to communicate in a language other than English, either orally or in writing

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI		X		
Mrs. ROUKEMA		X		
Mr. GUNDERSON				X
Mr. FAWELL		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM		X		
Mr. HOEKSTRA				X
Mr. McKEON				X
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON		X		
Mr. KNOLLENBERG		X		
Mr. RIGGS				X
Mr. GRAHAM		X		
Mr. WELDON		X		
Mr. FUNDERBURK				X
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD				X
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS	X			
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN				X
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	18	18		7

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL 2

BILL H.R. 123

DATE July 24, 1994

AMENDMENT NUMBER 3

PASSED 18 - 16

SPONSOR/AMENDMENT Mr. Graham / Amendment to include the English only requirement to apply to publications, income tax forms, and informational materials.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI	X			
Mrs. ROUKEMA	X			
Mr. GUNDERSON				X
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA				X
Mr. McKEON				X
Mr. CASTLE	X			
Mrs. MEYERS	X			
Mr. JOHNSON				X
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. HUTCHINSON				X
Mr. KNOLLENBERG	X			
Mr. RIGGS				X
Mr. GRAHAM	X			
Mr. WELDON	X			
Mr. FUNDERBURK	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY		X		
Mr. MILLER		X		
Mr. KILDEE		X		
Mr. WILLIAMS				X
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. SAWYER		X		
Mr. PAYNE		X		
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. REED				X
Mr. ROEMER		X		
Mr. BECERRA		X		
Mr. SCOTT		X		
Mr. GREEN		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO		X		
Mr. FATTAH		X		
Mr. BLUMENAUER				X
TOTALS	18	16		9

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL 3 BILL H.R. 123 DATE July 24, 1994

AMENDMENT NUMBER 4A PASSED 18 - 17

SPONSOR/AMENDMENT Mr. Graham / Amendment to the Mink Amendment to clarify that nothing shall be inconsistent with the Constitution of the United States.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI	X			
Mrs. ROUKEMA	X			
Mr. GUNDERSON	X			
Mr. FAWELL	X			
Mr. BALLENGER				X
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA	X			
Mr. McKEON				X
Mr. CASTLE				X
Mrs. MEYERS	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. HUTCHINSON				X
Mr. KNOLLENBERG				X
Mr. RIGGS				X
Mr. GRAHAM	X			
Mr. WELDON	X			
Mr. FUNDERBURK	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY				X
Mr. MILLER		X		
Mr. KILDEE		X		
Mr. WILLIAMS		X		
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. SAWYER		X		
Mr. PAYNE				X
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. REED		X		
Mr. ROEMER		X		
Mr. BECERRA		X		
Mr. SCOTT		X		
Mr. GREEN		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO		X		
Mr. FATTAH		X		
Mr. BLUMENAUER		X		
TOTALS	18	17		8

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL 4 BILL H.R. 123 DATE July 24, 1994

AMENDMENT NUMBER 5 DEFEATED 17 - 22

SPONSOR/AMENDMENT Mr. Becerra / Substitute Amendment to the Cunningham Amendment in the Nature of a Substitute.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI		X		
Mrs. ROUKEMA		X		
Mr. GUNDERSON		X		
Mr. FAWELL		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM		X		
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON				X
Mr. KNOLLENBERG				X
Mr. RIGGS		X		
Mr. GRAHAM		X		
Mr. WELDON		X		
Mr. FUNDERBURK		X		
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS	X			
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE				X
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH				X
Mr. BLUMENAUER	X			
TOTALS	17	22		4

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL 5

BILL H.R. 123

DATE July 24, 1994

PASSED 19 - 17

SPONSOR/AMENDMENT Mr. Gunderson / Motion to report the bill to the House of Representatives with an amendment in the nature of a substitute and with the recommendation that the bill as amended do pass.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI				X
Mrs. ROUKEMA	X			
Mr. GUNDERSON	X			
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mrs. MEYERS	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD				X
Mr. HUTCHINSON	X			
Mr. KNOLLENBERG				X
Mr. RIGGS				X
Mr. GRAHAM	X			
Mr. WELDON	X			
Mr. FUNDERBURK				X
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY		X		
Mr. MILLER		X		
Mr. KILDEE		X		
Mr. WILLIAMS		X		
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. SAWYER				X
Mr. PAYNE		X		
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. REED		X		
Mr. ROEMER		X		
Mr. BECERRA		X		
Mr. SCOTT		X		
Mr. GREEN		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO		X		
Mr. FATTAH				X
Mr. BLUMENAUER		X		
TOTALS	19	17		7

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 4, UNITED STATES CODE

Chap.		Sec.
1.	The Flag	1
	* * * * *	
6.	Language of the Federal Government	161
	* * * * *	

CHAPTER 6—LANGUAGE OF THE FEDERAL GOVERNMENT

Sec.	
161.	<i>Declaration of official language of Federal Government</i>
162.	<i>Preserving and enhancing the role of the official language</i>
163.	<i>Official Federal Government activities in English</i>
164.	<i>Standing</i>
165.	<i>Reform of naturalization requirements</i>
166.	<i>Application</i>
167.	<i>Rule of construction</i>
168.	<i>Affirmation of constitutional protections</i>
169.	<i>Definitions</i>

§ 161. Declaration of official language of Federal Government

The official language of the Federal Government is English.

§ 162. Preserving and enhancing the role of the official language

Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

§ 163. Official Federal Government activities in English

(a) *CONDUCT OF BUSINESS.*—*Representatives of the Federal Government shall conduct its official business in English.*

(b) *DENIAL OF SERVICES.*—*No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Federal Government solely because the person communicates in English.*

(c) *ENTITLEMENT.*—*Every person in the United States is entitled—*
(1) to communicate with representatives of the Federal Government in English;
(2) to receive information from or contribute information to the Federal Government in English; and
(3) to be informed of or be subject to official orders in English.

§ 164. Standing

A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.

§ 165. Reform of naturalization requirements

(a) FLUENCY.—It has been the longstanding national belief that full citizenship in the United States requires fluency in English. English is the language of opportunity for all immigrants to take their rightful place in society in the United States.

(b) CEREMONIES.—All authorized officials shall conduct all naturalization ceremonies entirely in English.

§ 166. Application

Except as otherwise provided in this chapter, the provisions of this chapter shall supersede any existing Federal law that contravenes such provisions (such as by requiring the use of a language other than English for official business of the Federal Government).

§ 167. Rule of construction

Nothing in this chapter shall be construed—

(1) to prohibit a Member of Congress or an employee or official of the Federal Government, while performing official business, from communicating orally with another person in a language other than English;

(2) to discriminate against or restrict the rights of any individual in the country; and

(3) to discourage or prevent the use of languages other than English in any nonofficial capacity.

§ 168. Affirmation of constitutional protections

Nothing in this chapter shall be construed to be inconsistent with the Constitution of the United States.

§ 169. Definitions

For purposes of this chapter:

(1) FEDERAL GOVERNMENT.—The term “Federal Government” means all branches of the national Government and all employees and officials of the national Government while performing official business.

(2) OFFICIAL BUSINESS.—The term “official business” means governmental actions, documents, or policies which are enforceable with the full weight and authority of the Federal Government, and includes publications, income tax forms, and informational materials, but does not include—

(A) teaching of languages;

(B) actions, documents, or policies necessary for—

(i) national security issues; or

(ii) international relations, trade, or commerce;

(C) actions or documents that protect the public health and safety;

(D) actions or documents that facilitate the activities of the Census;

(E) actions, documents, or policies that are not enforceable in the United States;

(F) actions that protect the rights of victims of crimes or criminal defendants;

(G) actions in which the United States has initiated a civil lawsuit; or

(H) documents that utilize terms of art or phrases from languages other than English.

(3) UNITED STATES.—The term “United States” means the several States and the District of Columbia.

MINORITY VIEWS

[T]he protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the Constitution—a desirable end cannot be promoted by prohibited means.¹

HASTY CONSIDERATION OF H.R. 123

No hearing addressing this specific bill were ever held before a subcommittee or Full Committee; nor was the legislation marked-up and fully debated at the subcommittee level. Now, the bill has been hastily scheduled for Floor consideration. Given the enormity of constitutional and practical problems with this bill, the Republican Majority should be embarrassed by its rushed and careless consideration of this measure.

H.R. 123 IS UTTERLY UNNECESSARY, NON-SENSICAL, AND DANGEROUS

We agree that learning English should be a priority for all persons residing in the United States. In fact, there is extremely high demand for English language classes. Unlike most Members of the Republican Majority, we Democrats are committed to the expansion of Federal support for “English as the Second Language” and for Bilingual Education programs.

As a practical matter, the American people recognize English as the primary and common language of the United States. According to the 1990 Census, 97% of the people in the United States speak English at least well. And, according to the General Accounting Office, more than 99.9 percent of all Federal documents and publications published during the 1990–1995 period were in English.

Languages other than English are very rarely used in official government business. When invoked, they further often critical and indispensable government interests.

Our Republican colleagues characterize H.R. 123 as “common sense” legislation. What is sensible about a bill that mandates such exclusive use of English but utterly fails to address the practical need for adequate English-language preparation?

H.R. 123 is not a mere declaration of “English as the official language of the United States.” It is hopelessly vague and ambiguous legislation. It is unnecessary legislation; a legislative solution in search of a problem. It is unconstitutional legislation, on many grounds. And it is mean-spirited, morally wrong, and dangerously divisive.

Hearings held last Fall before the Committee on Early Childhood, Youth and Families on this issue were inconclusive, with

¹*Meyer v. Nebraska*, 262 U.S. 390 (1923).

both Democrats and Republicans raising concerns about the need and the justification for the “English-Only” or “English First” proposals. WHY IS THIS BILL MOVING NOW? With such limited time remaining on the legislative calendar of the 104th Congress, the Republican Majority has chosen to engage in the politics of division and marginalization of our language minority residents. Instead of truly empowering people in the use of English by ensuring that adequate funds are made available for English-as-a-second language classes, the Republican Majority has directed its attention to “protecting the English language” as though it were under some bizarre attack by other languages.

IMPACT OF H.R. 123 ON LANGUAGE MINORITY GROUPS

H.R. 123 defies our heritage of tolerance and respect for linguistic diversity. Throughout its history, the United States has been enriched by its linguistically diverse population. At the time of our nation’s Independence, English was spoken along with German, Dutch, French, native American, and other languages.

The restrictions imposed by H.R. 123 are antithetical to its purported objectives. Immigrants themselves recognize that in order to better their own lot, and that of their families, learning English is imperative. New arrivals to our shores flood the far too few “English as a Second Language” classes held across the country. In Washington, D.C., 5,000 immigrants were turned away from English classes in the 1994 school year. In New York City, schools have had to resort to a lottery to determine enrollment. In Los Angeles, more than 40,000 applicants remain on waiting lists for English classes.

Ironically, official English laws and proposals do nothing to increase resources needed to provide English instruction. By restricting the Federal Government’s ability to communicate with, and provide services to, non-English speaking Americans (many of whom are children and the elderly) H.R. 123 would inhibit and deny fair and equal access to such basic and fundamental services as voting assistance, education, social security, and police protection.

We are extremely concerned about the effects of the legislation on Americans who speak over 150 non-English languages that are native to our country and more than 100 other languages that span the globe.

The 1990 U.S. Census found that 31.8 million persons age 5 years and older spoke a language other than English (14% of the total population). Further, that census reported that 6.7 million persons age 5 years and older indicated that they spoke English “not well” or “not at all” (3% of the total population).

H.R. 123 WILL CREATE A SWEEPING, ILL-DEFINED FEDERAL MANDATE AND PROMOTE GOVERNMENT INEFFICIENCY

H.R. 123 would engender a monstrous Federal mandate in a new area of Federal regulation. The legislation’s mandate that the Federal government “preserve and enhance the role of English as the official language of the Federal Government” clearly is overbroad and vague.

H.R. 123 would hamper the basic functions of Government and compromise its effectiveness. As our colleague Delegate Romero-Barceló (D-PR) noted, during consideration of his amendment to exempt the bill in cases where government efficiency would be furthered, the Department of Justice has warned that:

[P]assage of H.R. 123 would decrease administrative efficiency and exclude Americans who are not fully proficient in English from education, employment, voting, and equal participation in our society. In these fiscally difficult times, government efficiency and economy would better be promoted by allowing government agencies to continue their limited use of other languages to execute their duties effectively.

We are confounded that the Republican Majority touts a bill that will obstruct such basic government functions as tax collection, disaster preparation, water and resource conservation, and execution of civil and criminal laws and regulations. What logical public policy could this bill possibly support?

H.R. 123 IS CONSTITUTIONALLY SUSPECT

This Fall, the United States Supreme Court will hear the case of *Yniguez v. Arizonans for Official English*. In 1988, the citizens of Arizona narrowly passed a ballot referendum amending the Arizona constitution to declare English the official language of the State. The referendum mandated that all government business, with few exceptions, be conducted only in English.

The plaintiff, Marie Kelley Yniguez, a bilingual Latina employee of the Arizona Department of Administration, filed suit to enjoin the State's implementation of the pertinent article of Arizona's constitution on the grounds that the provision violated, among other things, the First and Fourteenth Amendments of the U.S. Constitution. A Federal district court found the pertinent article facially overbroad under the First Amendment. On appeal, the Ninth Circuit Court of appeals, sitting en banc, affirmed the lower court's decision.

The Republican Majority claims that "Arizona provisions struck down by the court are much different from H.R. 123." To the contrary, we find the Arizona law legally indistinguishable from H.R. 123 as reported by the Committee. The Majority's effort to rest the constitutionality of H.R. 123 on a scattered collection of Federal and State court rulings is unpersuasive. The legal crux of the cases relied on by the Majority addresses the question of whether non-English speakers have an affirmative right to compel government to provide information in a language they understand. One of the major constitutional questions raised by H.R. 123 is whether the Federal Government may restrict the official speech of Federal officials.

These are two quite different legal issues. In light of the upcoming decision by the United States Supreme Court in the *Yniguez* litigation, the actions of this committee with regard to this legislation are premature.

EFFECT OF H.R. 123 IS UNCLEAR CONCERNING BILINGUAL EDUCATION PROGRAMS

We remain concerned about the impact of H.R. 123 on the Bilingual Education Act. Although the Majority states in its views that its intent is to except bilingual education from the bill, we remain wary that the text of the legislation does not provide sufficient legislative shelter. Providing such protection is a simple drafting matter. Resort to ambiguous Committee report language is, at best, confusing.

H.R. 123 WOULD GENERATE FRIVOLOUS LITIGATION

Throughout the 104th Congress, the Republican Majority has endeavored to “reform” product liability and tort law for the ostensible purpose of eliminating frivolous lawsuits.

Therefore, we are mystified by sections of H.R. 123 that create an “entitlement” to English-only communication and that grant a private cause of action for persons claiming injury by non-English government communication. These provisions are among this “maddening” bill’s most outrageous aspects. Why in the world would the Republican Majority want to clog Federal courts with such meddling litigation? And why should Congress chill the activities of government officials that further efficient and effective governance?

H.R. 123 UNDERMINES LAW ENFORCEMENT AND IGNORES NEW MEANS OF COMMUNICATION

Simply put, this legislation is weak on crime. The operations of such Federal agencies as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA) would be impaired by the implementation of H.R. 123. Much of the work done by the FBI to combat multi-national organized crime and much of the activity of the DEA to win the war against drugs is carried out in non-English languages at a time where neither a victim or a defendant is identifiable. The exemption providing that non-English languages may be used for reasons of “public safety” or to “protect the rights of victims of crimes or criminal defendants” is virtually useless.

In addition, the legislation makes no exception for such means of communication as electronic mail and broadcast media, and raises questions of censorship in an era of high speed computers, cyberspace, and the global economy. The Federal Government regulates telecommunications and grants, sells, and regulates broadcast licenses. The Federal Government operates Internet servers. H.R. 123 seems to have been drafted in a technological and historical vacuum.

H.R. 123 JEOPARDIZES RELATIONS WITH NATIVE AMERICANS

The United States has long recognized that Indian tribes possess attributes of sovereignty. Congress has enacted numerous statutes that affirm this principle. By repealing these statutes, H.R. 123 would impede severely Federal Government relations with Native Americans.

Protecting and perpetuating Indian languages is essential to the preservation of Indian culture. We are concerned that implementing an English-only policy on Indian reservations will hinder the

survival of the Navajo and other native languages. Today, all Indian languages are threatened. Of the 155 Indian languages still spoken in the United States, only 20 are now spoken by Indian children. The Navajo Nation is among the 20 nations whose children still speak their native language. The Navajo Nation, and all other Indian nations, have experienced firsthand the effects of government-sanctioned English-only policies. Past policies to “assimilate” Indian children condoned physical and spiritual punishment of children who spoke their native language. Many Navajos can still recall being beaten and punished for speaking their language. Many Navajo parents fear that their children will be punished in similar ways should a move toward reenacting such policies occur.

EFFECT ON PUERTO RICO

We are greatly concerned about the impact of this bill on American citizens of Puerto Rico. Nearly 4 million people reside in Puerto Rico, many of whom do not speak English as a first language or are not completely proficient in English. This bill would impose a barrier between the people of Puerto Rico and the Federal government, if agencies which serve Puerto Ricans are prohibited from conducting business in Spanish. Although English is already the language in which the Federal courts and Federal agencies operate in Puerto Rico, verbal and written communication in Spanish has facilitated the administration of Federal laws and policies in Puerto Rico and enables citizens to be fully informed of their rights and responsibilities. It is entirely unclear whether the bill allows Federal government entities in Puerto Rico to conduct business in Spanish.

ENGLISH PLUS—A BALANCED, UNIFYING APPROACH

At Full Committee, we Democrats unanimously embraced an amendment offered by Representative Xavier Becerra (D-CA) that views the diversity of our Nation, its people, its language, its culture, as something to celebrate, not something to fear and resist. The Becerra amendment recognized that, throughout our Nation’s history, multilingualism has better protected us in war, furthered our ability to communicate among ourselves and with the rest of the world, and enhanced our competitiveness in the global marketplace. In the end, the Becerra amendment simply and eloquently stated that our national policies should continue to promote such benefits of multilingualism.

We Democrats share a commitment to English language learning and also to multilingualism. Our government should facilitate both objectives.

We urge the full House to reject H.R. 123.

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DALE E. KILDEE.
MATTHEW G. MARTINEZ.
TOM SAWYER.
PATSY T. MINK.
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